

22.140.640 Accessory dwelling units

- A. **Purpose.** This Section is to provide for the development of accessory dwelling units as defined in Chapter 22.14 in residential and agricultural zones with appropriate development restrictions, pursuant to Section 65852.2 of the California Government Code.
- B. **Applicability.**
1. All regulations of Title 22 applicable to the lot where the accessory dwelling unit is located shall apply, except as follows:
 - a. Any zone, district, or specific plan regulation shall be superseded by a contrary provision in this Section regulating the same matter if the provision of this Section is less restrictive than such regulation.
 - b. Where this Section is silent, the applicable provisions in Title 22 shall apply.
 - c. The regulations within this Section do not apply to the Coastal Zone. Refer to the accessory dwelling unit regulations in the applicable Local Coastal Program.
 - d. Accessory dwelling units within Significant Ecological Areas are subject to additional requirements as provided in Section 22.102.
- C. **Permitted Areas.** Accessory dwelling units are permitted where both the zone and the community standards district, where applicable, allow single-family residential uses with a ministerial site plan review.
- D. **Application Requirements.** An approved Ministerial Site Plan Review (Chapter 22.186) is required to establish an accessory dwelling unit that is located in a permitted area as provided in subsection C.
- E. **Timeline for Decision.** Complete applications for an accessory dwelling unit shall be processed by the Department of Regional Planning within 120 days.
- F. **Use Restrictions.**
1. An accessory dwelling unit may be developed on a fee-simple lot that either:
 - a. Contains at least one legally established detached single-family residence; or
 - b. Will have at least one new detached single-family residence permitted concurrently with the accessory dwelling.
 2. No more than one accessory dwelling unit is permitted on any lot.
 3. An accessory dwelling unit may not be separately sold from the primary single-family residence on the same lot, but it may be used as a rental unit.

4. An accessory dwelling unit shall not be permitted on a lot where either of the following exists:
 - a. A habitable accessory structure, except for a pool house.
 - b. A living suite.
5. An accessory dwelling unit may not be used for a home-based occupation if there is a home-based occupation in the primary residence.

G. **Development Standards.** An accessory dwelling unit shall comply with the following development standards:

1. **Single-Family Residence Standards.** An accessory dwelling unit shall comply with Section 22.140.580 (Single-Family Residences), except Section 22.140.580.B (Minimum Building Width) and Section 22.140.580.C (Minimum Floor Area) shall be superseded by this Subsection G.
2. **Parking.** No parking is required for an accessory dwelling unit. When covered parking is demolished or rendered unusable in conjunction with the construction of an accessory dwelling unit, any parking spaces required for the primary residence must be maintained and may be provided as covered or enclosed spaces, uncovered spaces, tandem spaces on a driveway, or by the use of mechanical parking lifts.
3. **Minimum Floor Area.** An accessory dwelling unit shall have a total size of at least 150 square feet, with at least one habitable room of at least 70 square feet.
4. **Maximum Floor Area.** The maximum floor area shall be as follows:
 - a. For attached accessory dwelling units, the additional floor area shall not exceed 50 percent of the floor area existing at the time of application submittal, with a maximum increase in floor area of 1,200 square feet. For attached and detached accessory dwelling units, the floor area of the accessory dwelling unit shall not exceed 1,200 square feet.
 - b. Within a Hillside Management Area, the additional floor area for an attached or detached accessory dwelling unit shall not exceed 50 percent of the floor area existing at the time of application submittal, with a maximum floor area of 800 square feet.
5. **Height.** The maximum height of an accessory dwelling unit shall be as follows:
 - a. 25 feet, except:

- (1) For accessory dwelling units created entirely within the existing space¹ of an accessory structure, the maximum height shall be equal to the maximum height of the accessory structure.
- (2) For accessory dwelling units created entirely within the existing space of a single-family primary residence, the maximum height shall be equal to the height of the primary residence.

6. ***Distance From Primary Residence.*** The distance between the detached accessory dwelling unit and the primary residence shall be as follows:

- a. A minimum of 6 feet; and,
- b. In Hillside Management Areas, a maximum of 25 feet, unless the accessory dwelling unit is created entirely within the existing space of an accessory structure.

7. ***Required Yards.*** The minimum side and rear yard depths of an accessory dwelling unit shall be as follows:

- a. For accessory dwelling units created entirely within the existing space of a single-family primary residence or accessory structure, no yards are required.
- b. For accessory dwelling units not created entirely within the existing space of a single-family primary residence or accessory structure, the minimum yards shall be five feet, except as provided in Section 22.116.
- c. Accessory dwelling units shall not encroach into the required front yard for the primary residence.

¹ For the purposes of this section, “existing” refers to an ADU created entirely within the building envelope of the single-family primary residence or accessory structure that was established prior to the accessory dwelling unit.